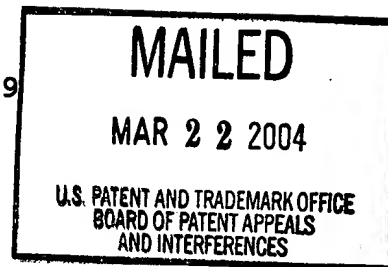


UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

In re DAVID CURT MORRIS )  
 )  
Application 09/328,931 )  
 )  
Filed: June 9, 1999 )  
\_\_\_\_\_ )

Appeal No. 04-0529



ORDER GRANTING REQUEST TO RESET HEARING DATE

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for April 27, 2004. The notice setting the hearing was mailed to counsel on February 2, 2004 (Paper No. 36). The date counsel received the notice is not apparent from the record. Counsel had confirmed attendance at the hearing on February 9, 2004 (Paper No. 37). On March 12, 2004, a facsimile letter was received (Paper No. 38) wherein counsel requested that the oral hearing be rescheduled. The request has been granted.

According to counsel:


[Counsel's] client, inventor and appellant, David Morris, has been forced to schedule a medical procedure on April 26, due to medical urgency and a lack of appointment options at a tightly scheduled medical facility. Accordingly, on April 27 he will be recuperating from a medical

procedure and will not be able to attend the scheduled oral hearing. As the attendance of Mr. Morris is crucial to the hearing, [counsel is] in the position of needing to request a rescheduling of the hearing.

For the reasons given above, it is

Ordered that the request to reschedule the hearing to a date after April 27, 2004, 2003, is granted, and that a new date for the oral hearing will be sent to applicant.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

  
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